REMARKS

Claims 1-20 were previously pending, of which claims 1, 4, 6, 11, 15, 17, and 20 have been amended. Reconsideration of presently pending claims 1-20 is respectfully requested in light of the above amendments and the following remarks.

Specification Objections

The specification has been amended to correct the noted informalities and other typographical errors.

Claim Objection

Claim 11 was objected to due to an informality. Claim 11 has been amended to correct the informality.

Rejections under 35 U.S.C. § 112

Claims 6-8 and 20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. With respect to the claims as herein amended, this rejection is respectfully traversed.

Claim 6 has been amended to correct the noted informality. As amended, claim 6 satisfies the requirements of 35 U.S.C. § 112, second paragraph. Moreover, claims 7-8 depend from and further limit amended claim 6. Therefore, Applicants respectfully request that the rejection of claims 6-8 under 35 U.S.C. § 112, second paragraph be withdrawn.

Claim 20 has been amended to correct the noted informality. As amended, claim 20 satisfies the requirements of 35 U.S.C. § 112, second paragraph. Therefore, Applicants respectfully request that the rejection of claim 20 under 35 U.S.C. § 112, second paragraph be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,356,008 to Sparks et al. (hereinafter referred to as "the Sparks patent"). With respect to the claims as herein amended, this rejection is respectfully traversed.

The PTO recognizes in MPEP §2131 that:

> "[t]o anticipate a claim, a reference much teach every element of
>
> the claim..."

Therefore, to support a rejection under 35 U.S.C. §102(b) with respect to claims 1-20, the Sparks patent must contain all elements of each claim.

Independent claim 1 recites in part, "determining if a message has been received from a remote location through a network messaging system." The cited portions of the Sparks patent do <u>not</u> disclose such a limitation. In direct contrast to amended claim 1, the Sparks patent discloses a wireless screensaver that permits transmission of a message from a screensaver display only upon direct local user input. Specifically, the Sparks patent discloses only local computer information input means, such as "a keyboard, a mouse, a pen or puck activated tablet, a track ball, [or] an audio activated command processor..." (Sparks, col. 3, lines 48-54). Further, the Sparks patent's exemplary notification message emphasizes the localized nature of the system:

> " 'PRESS ANY KEY OR CLICK THE MOUSE TO LEAVE ME
> A MESSAGE OR SEND ME A PAGE.' " [emphasis original]
> (Sparks, col. 4, lines 22-26).

Consequently, the rejection based on 35 U.S.C. § 102(b) cannot be sustained by the Sparks patent as applied to amended independent claim 1. Moreover, claims 2-9 depend from and further limit claim 1. Therefore, Applicants respectfully request that the rejection of claims 1-9 under 35 U.S.C. § 102(b) over the Sparks patent be withdrawn.

Independent claim 10 recites in part, "monitoring an email system for a message; determining whether a message has been received..." The Sparks patent does <u>not</u> disclose such a

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limitation. In particular, the cited portions of the Sparks patent fail to even mention email or email messages in its disclosure. Rather, as discussed above, the Sparks patent discloses a wireless screensaver that permits transmission of a message from a screensaver display only upon direct local user input (Sparks, col. 3, lines 48-54; *see also* Sparks, col. 4, lines 22-26).

Consequently, the rejection based on 35 U.S.C. § 102(b) cannot be sustained by the Sparks patent as applied to independent claim 10. Moreover, claims 11-14 depend from and further limit claim 10. Therefore, Applicants respectfully request that the rejection of claims 10-14 under 35 U.S.C. § 102(b) over the Sparks patent be withdrawn.

Independent claim 15 recites in part, "an instruction for determining if a message has been received from a remote location through a network messaging system." As discussed above, the Sparks patent discloses a wireless screensaver that permits transmission of a message from a screensaver display only upon direct local user input (Sparks, col. 3, lines 48-54; *see also* col. 4, lines 22-26).

Consequently, the rejection based on 35 U.S.C. § 102(b) cannot be sustained by the Sparks patent as applied to independent claim 15. Moreover, claims 16-20 depend from and further limit claim 15. Therefore, Applicants respectfully request that the rejection of claims 15-20 under 35 U.S.C. § 102(b) over the Sparks patent be withdrawn.

Conclusion

Applicants believe that all matters set forth in the Office Action have been addressed, and that claims 1-20 are in condition for allowance. Favorable consideration and an early indication of the allowance of the claims are respectfully requested. The Examiner is invited to telephone the undersigned attorney if the Examiner deems that a conference would expedite consideration.
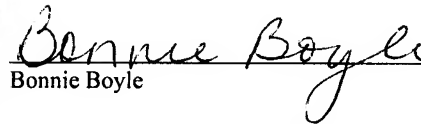
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